

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

WIAV SOLUTIONS LLC, a Virginia
company,

Plaintiff,

v.

MOTOROLA, INC., a Delaware company,
et al.,

Defendants; and

MINDSPEED TECHNOLOGIES, INC., a
Delaware company,

Defendant Patent Owner.

Civil Action No. 3:09-cv-447-REP

**WIAV SOLUTIONS, LLC'S DISCLOSURE OF
ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS**

Pursuant to the Court's October 29, 2009, Order, Plaintiff WiAV Solutions ("WiAV"), by counsel, hereby submits its disclosure of asserted claims and infringement contentions, including by reference the entirety of the attached appendices, against defendants Motorola, Inc. ("Motorola"), Nokia Corporation and Nokia Inc. ("Nokia"), Palm, Inc. ("Palm"), Personal Communications Devices LLC and Personal Communications Devices Holdings, LLC ("PCD"), Sony Ericsson Mobile Communications AB and Sony Ericsson Mobile Communications (USA) Inc. ("SE"), and UTStarcom, Inc. ("UTS") (individually, "Defendant" and collectively, "Defendants").

WiAV makes these disclosures based upon publicly available information. WiAV has not completed its preparation of this matter for trial and has not received discovery from Defendants, particularly discovery of Defendants' confidential information and documents that describe the structures, acts and materials of the accused devices or discovery of Defendants' product lines, including past product lines, discontinued products, or other products and product lines that are reasonably similar to

the presently accused products. Because WiAV's investigations are ongoing and discovery is not yet complete, WiAV reserves the right to amend or supplement any portion of its asserted claims and infringement contentions, including the identification of the claims infringed by Defendants and of the accused products.

A. Infringement Contentions

Under 35 U.S.C. §§ 271(a), (b) and/or (c), each Defendant directly infringes the Asserted Claims through the import, manufacture, use, sale and/or offer for sale of the Accused Products. Each Defendant also indirectly infringes by actively, knowingly, and/or intentionally inducing or contributing to the infringement of the Asserted Claims based upon the import, manufacture, use, sale and/or offer for sale of the Accused Products by at least each Defendant's customers.

Based on publicly available information, without the benefit of discovery from Defendants, WiAV presently contends that each limitation of each Asserted Claim is literally present, met or implemented in and/or by the Accused Products. Should any Defendant contend that any element or limitation is absent in an Accused Product, WiAV reserves the right to demonstrate that the allegedly missing element or limitation is nevertheless present and the Accused Products infringes under the doctrine of equivalents.

B. Identification of Asserted Claims

Based on the information presently known to WiAV, WiAV identifies the Asserted Claims as follows:

- (1) Claims 1-3 and 7-9 of U.S. Patent No. 6,104,992 (the "Asserted 992 Claims").
- (2) Claims 1-5, 7-9, 16 and 17 of U.S. Patent No. 6,256,606 (the "Asserted 606 Claims").
- (3) Claims 1-5 of U.S. Patent No. 6,385,573 (the "Asserted 573 Claims").

- (4) Claims 1-5, 8-11, 16-19, 21, 24, 34, 36, and 37 of U.S. Patent No. 6,507,814 (the “Asserted 814 Claims”).
- (5) Claims 1, 16, 18, 19, and 21 of U.S. Patent No. 6,539,205 (the “Asserted 205 Claims”).
- (6) Claims 1, 3, 4, and 7 of U.S. Patent No. 6,633,841 (the “Asserted 841 Claims”).
- (7) Claims 1, 2 and 4 of U.S. Patent No. 6,680,920 (the “Asserted 920 Claims”).
- (8) Claims 1-15 of U.S. Patent No. 7,120,578 (the “Asserted 578 Claims”).
- (9) Claims 5-7, 9, 20-22, and 24 of U.S. Patent No. 7,266,493 (the “Asserted 493 Claims”)

C. Identification of Accused Products

Based on publicly available information, without the benefit of discovery from Defendants, WiAV identifies the following Accused Products:

- (1) Motorola products A780, AURA, MOTO EM330, MOTO Q 8, MOTO Q gsm, MOTO Z6w, MOTOKRZR K1, MOTORAZR2 V8, MOTORIZR Z3, MOTOROKR E8, MOTOROKR U9, MOTOROKR Z6, MOTOSLVR L7i, MOTOSLVR L7e, MOTOSLVR L71, MOTOSLVR L9, MOTOSLVR L72, MOTOZINE ZN5, V360, V365, and W490 (“Motorola EDGE products”) infringe the Asserted 922 Claims, the Asserted 606 Claims, the Asserted 573 Claims, the Asserted 814 Claims, the Asserted 205 Claims, the Asserted 841 Claims, the Asserted 578 Claims, and the Asserted 493 Claims under 35 U.S.C. §§ 271(a), (b) and/or (c).
- (2) Motorola products A830, A845, A1000, C975, C980, E10000, Karma QA1, MOTO Q 9h Global, MOTO Q Global, MOTO Z9, MOTORAZR V3x, MOTORAZR V3xx, MOTORAZR2 V9, MOTORAZR2 V9x ,MOTOSURF A3100,Tundra VA76r, V1100, V975, V980, and W760r

(“Motorola WCDMA products”) infringe the Asserted 922 Claims, the Asserted 606 Claims, the Asserted 573 Claims, the Asserted 814 Claims, the Asserted 841 Claims, the 920 Claims, the Asserted 578 Claims, and the Asserted 493 Claims under 35 U.S.C. §§ 271(a), (b) and/or (c).

- (3) Motorola products MOTO Q 9h Global, MOTO Q Global, MOTORAZR V3xx, MOTORAZR2 V9, MOTORAZR2 V9x, MOTOSURF A3100, Tundra VA76r, and W760r (“Motorola WCDMA-HSDPA products”) infringe the Asserted 205 Claims under 35 U.S.C. §§ 271(a), (b) and/or (c).
- (4) Motorola products A630, A910, C650, E398, E680i, L2, L6, L6i, MOTORAZR V3, MOTORAZR V3e, MOTORAZR, V3t, MOTOROKR E1, MOTOROKR E2, MOTOSLVR L7, T725, V220, V300, V400, V500, V525, V550, V600, and V80 (“Motorola GSM products”) infringe the Asserted 922 Claims, the Asserted 606 Claims, the Asserted 573 Claims, the Asserted 814 Claims, the Asserted 841 Claims, the Asserted 578 Claims, and the Asserted 493 Claims under 35 U.S.C. §§ 271(a), (b) and/or (c).
- (5) Nokia products 2600 ATT, 3555, 3600 Slide, 5130, 5530, 6085, 6131 NFC, 6301, 7510, and 7610 Supernova (“Nokia EDGE products”) infringe the Asserted 922 Claims, the Asserted 606 Claims, the Asserted 573 Claims, the Asserted 814 Claims, the Asserted 205 Claims, the Asserted 841 Claims, the Asserted 578 Claims, and the Asserted 493 Claims under 35 U.S.C. §§ 271(a), (b) and/or (c).
- (6) Nokia products 3710, 3711, 5800, 6212, 6263, 6350, 6500 Classic, 6600i, 6650 Fold, 6750, 6790 Surge, E63, E66, E71, E71x, E72, E75, N73, N75, N79, N82, N85, N86 8MP, N900, N93, N95, N95 8GB, N95-3 NAM, N96, N96-3, N97, N97 mini, and X6 (“Nokia WCDMA products”)

infringe the Asserted 922 Claims, the Asserted 606 Claims, the Asserted 573 Claims, the Asserted 814 Claims, the Asserted 841 Claims, the 920 Claims, the Asserted 578 Claims, and the Asserted 493 Claims under 35 U.S.C. §§ 271(a), (b) and/or (c).

- (7) Nokia products 5800, 6350, 6750, 6790 Surge, E66, E71, E71x, E72, E75, N79, N82, N85, N86 8MP, N900, N95, N95 8GB, N95-3 NAM, N96, N96-3, N97, N97 mini, and X6 (“Nokia WCDMA-HSDPA products”) infringe the Asserted 205 Claims under 35 U.S.C. §§ 271(a), (b) and/or (c).
- (8) Nokia products 1680 Classic, 2610, 2626, 2630, 2660, 2680 Slide, 2760, 3610, 5310, 5610, 6125, 6126, 6136, 8600, 8801, E50, and E62 (“Nokia GSM products”) infringe the Asserted 922 Claims, the Asserted 606 Claims, the Asserted 573 Claims, the Asserted 814 Claims, the Asserted 841 Claims, the Asserted 578 Claims, and the Asserted 493 Claims under 35 U.S.C. §§ 271(a), (b) and/or (c).
- (9) Palm product Centro (“Palm EDGE product”) infringes the Asserted 922 Claims, the Asserted 606 Claims, the Asserted 573 Claims, the Asserted 814 Claims, the Asserted 205 Claims, the Asserted 841 Claims, the Asserted 578 Claims, and the Asserted 493 Claims under 35 U.S.C. §§ 271(a), (b) and/or (c).
- (10) Palm product Treo PRO (“Palm WCDMA or WCDMA-HSDPA product”) infringes the Asserted 922 Claims, the Asserted 606 Claims, the Asserted 573 Claims, the Asserted 814 Claims, the Asserted 205 Claims, the Asserted 841 Claims, the 920 Claims, the Asserted 578 Claims, and the Asserted 493 Claims under 35 U.S.C. §§ 271(a), (b) and/or (c).
- (11) PCD product GTX75 (“PCD WCDMA or WCDMA-HSDPA product”) infringes the Asserted 922 Claims, the Asserted 606 Claims, the Asserted

573 Claims, the Asserted 814 Claims, the Asserted 205 Claims, the Asserted 841 Claims, the 920 Claims, the Asserted 578 Claims, and the Asserted 493 Claims under 35 U.S.C. §§ 271(a), (b) and/or (c).

- (12) PCD products GPRS 748, GPRS 749, GPRS 758, GPRS 779, GPRS 799, GSM1218, GSM709, GSM718, GSM719, and GSM738 (“PCD GSM products”) infringe the Asserted 922 Claims, the Asserted 606 Claims, the Asserted 573 Claims, the Asserted 814 Claims, the Asserted 841 Claims, the Asserted 578 Claims, and the Asserted 493 Claims under 35 U.S.C. §§ 271(a), (b) and/or (c).
- (13) SE products C702a, K550i, K790a, K790i, S500i, W300i, W350a, W380a, W580i, W595a, W600i, W710i, W810i, W830i, Z310a, Z555i, and Z710i (“SE EDGE products”) infringe the Asserted 922 Claims, the Asserted 606 Claims, the Asserted 573 Claims, the Asserted 814 Claims, the Asserted 205 Claims, the Asserted 841 Claims, the Asserted 578 Claims, and the Asserted 493 Claims under 35 U.S.C. §§ 271(a), (b) and/or (c).
- (14) SE products C510a, C901, C901aGreenheart, C902, C905a, K608i, K618i, K800i, K850i, M600i, Naitea, P1i, P990i, , Satio, T715a, TM506, W518a, W705a, W760a, W850i, W880i, W950i, W995a, X1, Xperia X10a, Yaria, Z610i, Z750a, and Z780 (“SE WCDMA products”) infringe the Asserted 922 Claims, the Asserted 606 Claims, the Asserted 573 Claims, the Asserted 814 Claims, the Asserted 841 Claims, the 920 Claims, the Asserted 578 Claims, and the Asserted 493 Claims under 35 U.S.C. §§ 271(a), (b) and/or (c).
- (15) SE products C510a, C901, C901aGreenheart, C902, C905a, K850i, Naitea, Satio, T715a, TM506, W518a, W705a, W760a, W995a, X1, Xperia X10a, Yaria, Z750a, and Z780 (“SE WCDMA-HSDPA products”)

infringe the Asserted 205 Claims under 35 U.S.C. §§ 271(a), (b) and/or (c).

- (16) SE products K310a, K310i, K320i, K510a, K510i, P800, P900, P910, P910a, W200a, W700i, Z520a, Z520i, Z525a, Z530i, Z550a, and Z550i (“SE GSM products”) infringe the Asserted 922 Claims, the Asserted 606 Claims, the Asserted 573 Claims, the Asserted 814 Claims, the Asserted 841 Claims, the Asserted 578 Claims, and the Asserted 493 Claims under 35 U.S.C. §§ 271(a), (b) and/or (c).
- (17) UTS product Quickfire (“UTS WCDMA product”) infringes the Asserted 922 Claims, the Asserted 606 Claims, the Asserted 573 Claims, the Asserted 814 Claims, the Asserted 841 Claims, the 920 Claims, the Asserted 578 Claims, and the Asserted 493 Claims under 35 U.S.C. §§ 271(a), (b) and/or (c).

D. Identification of Claim Charts

Based on publicly available information, without the benefit of discovery from Defendants, WiAV provides the following claim charts:

- (1) Appendices A1-9 (Filed Under Seal), and Exhibits A-1 through A-3 (filed herewith), explain how each of Motorola’s accused products infringe each of the Asserted Claims;
- (2) Appendices B1-9 (Filed Under Seal), and Exhibits B-1 through B-3 (filed herewith), explain how each of Nokia’s accused products infringe each of the Asserted Claims;
- (3) Appendices C1-9 (Filed Under Seal), and Exhibits C-1 through C-2 (filed herewith), explain how each of Palm’s accused products infringe each of the Asserted Claims;

- (4) Appendices D1-9 (Filed Under Seal), and Exhibits D-1 through D-2 (filed herewith), explain how each of PCD's accused products infringe each of the Asserted Claims;
- (5) Appendices E1-9 (Filed Under Seal), and Exhibits E-1 through E-3 (filed herewith), explain how each of SE's accused products infringe each of the Asserted Claims;
- (6) Appendices F1-8 (Filed Under Seal), and Exhibit F-1 (filed herewith), explain how each of UTS' accused product infringes each of the Asserted Claims;

WiAV's infringement contention charts, appended as Appendices A1-9, B1-9, C1-9, D1-9, E1-9, and F1-8 are incorporated by reference as if fully set forth herein. The infringement contention charts appended as Appendices A-F are exemplary and not limiting, and address the Asserted Claims without the benefit of full discovery. Any citations included in the infringement contention charts are exemplary only, and should not be construed as limiting.

In the appended infringement contention charts, WiAV has subdivided each Asserted Claim to better explicate where each claim element may be found within the respective Accused Product. The subdivisions in the appended infringement contention charts should not be taken as an indication of the boundaries of claim elements with respect to the doctrine of equivalents or any other issue. In addition, the Accused Devices may infringe the Asserted Claims in multiple ways. WiAV reserves the right to provide an alternate claim mapping.

Dated: November 23, 2009

K. Kevin Mun (VSB 73247)
ECHELON LAW GROUP, PC
1919 Gallows Road, Suite 330
Vienna, Virginia 22182
Tel: (703) 496-5000
Fax: (703) 579-0105
Email: kevin.mun@echelaw.com

Tae H. Kim, *pro hac vice*
Andrew Choung, *pro hac vice*
Robert G. Litts, *pro hac vice*
ECHELON LAW GROUP, PC
150 Spear Street, Ste 825
San Francisco, CA 94105
Tel: (415) 830-9462
Fax: (415) 762-4191
Email: tae.kim@echelaw.com
Email: andrew.choung@echelaw.com
Email: robert.litts@echelaw.com

*Attorneys for Plaintiff and Counterclaim
Defendant WiAV Solutions, LLC*

Respectfully submitted,

WiAV Solutions, LLC

By Counsel

/s/ Henry I. Willett, III
Henry I. Willett, III (VSB 44655)
hwillett@cblaw.com
Nichole Buck Vanderslice (VSB
42637)
nvanderslice@cblaw.com
R. Braxton Hill, IV (VSB 41539)
bhill@cblaw.com
David B. Lacy (VSB 71177)
dlacy@cblaw.com
CHRISTIAN & BARTON, LLP
909 East Main Street, Suite 1200
Richmond, VA 23219-3095
Tel: (804) 697-4100
Fax: (804) 697-4112

Daniel S. Carlineo, *pro hac vice*
CARLINEO, SPICER & KEE, LLC
2003 S. Easton Rd, Suite 208
Doylestown, PA 18901
Tel: (267) 880-1720
Fax: (267) 880-1721
Email: dcarlineo@techpats.com

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of November, 2009, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following. Copies of documents filed under seal shall be served as set forth below:

VIA UPS NEXT DAY

Andrew R. Sommer
Gregory J. Commins, Jr., *pro hac vice*
Howrey LLP
1299 Pennsylvania Ave NW
Washington, DC 20002
Tel: (202) 783-0800
Fax: (202) 383-6610
Email: sommera@Howrey.com
Email: comminsg@howrey.com

Attorneys for Motorola, Inc.

VIA UPS NEXT DAY

Marshall Slayton
Martin & Raynor
415 4th St, NE
Charlottesville, VA 22902
Tel: (804) 296-4151
Email: marshall.slayton@bbrs.net

BY HAND

David Evan Finkelson
Robert Michael Tyler
McGuireWoods LLP
901 E Cary Street
Richmond, VA 23219-4030
Tel: (804) 775-1000
Fax: (804) 775-1061
Email: dfinkelson@mcguirewoods.com
Email: rtyler@mcguirewoods.com

Attorneys for Palm, Inc.

BY HAND

Dana Duane McDaniel
Maurice F. Mullins, *pro hac vice*
Spotts Fain PC
411 E Franklin St, Suite 600
PO Box 1555
Richmond, VA 23218-1555
Tel: (804) 697-2065
Fax: (804) 697-2165
Email: dmcdaniel@spottsfain.com
Email: cmullins@spottsfain.com

Attorneys for UTSTARCOM, Inc.

Frank A. Bruno, *pro hac vice*
Thomas R. DeSimone, *pro hac vice*
Gibbons, P.C.
One Pennsylvania Plaza
New York, NY 10119
Tel: (212) 613-2000
Fax: (212) 554-9662
Email: fbruno@gibbonslaw.com
Email: tdesimone@gibbonslaw.com

*Attorney for Personal Communications
Devices LLC and Personal
Communications Devices Holdings, LLC*

VIA UPS NEXT DAY

Craig Crandall Reilly
Law Office of Craig C. Reilly
111 Oronoco Street
Alexandria, VA 22314
Tel: (703) 549-5354
Fax: (703) 549-2604
Email: craig.reilly@ccreillylaw.com

Ross R. Barton
Alston & Bird LLP
Bank of America Plaza, Suite 4000
101 S. Tryon Street
Charlotte, NC 28280-4000
Tel: (704) 444-1000
Fax: (704) 444-1111
Email: ross.barton@alston.com

Jason W. Cook, *pro hac vice*
Michael J. Newton, *pro hac vice*
Alston & Bird LLP
Chase Tower
2200 Ross Avenue
Dallas, TX 75201
Tel: (214) 922-3407
Fax: (214) 922-3899
Email: jason.cook@alston.com
Email: mike.newton@alston.com

*Attorneys for Nokia Inc. and Nokia
Corporation*

Keith E. Broyles, *pro hac vice*
David S. Frist, *pro hac vice*
John D. Haynes, *pro hac vice*
Ryan Koppelman, *pro hac vice*
Stephen McNiff, *pro hac vice*
Frank Smith, *pro hac vice*
Alston & Bird LLP
1201 West Peachtree Street
Atlanta, GA 30309-3424
Tel: (404) 881-7000
Fax: (404) 881-7777
Email: keith.broyles@alston.com
Email: david.frist@alston.com
Email: john.haynes@alston.com
Email: ryan.koppelman@alston.com
Email: steve.mcniff@alston.com
Email: frank.smith@alston.com

BY HAND

Brian C. Riopelle
McGuireWoods LLP
One James Center
901 E. Cary Street
Richmond, VA 23219-4030
Tel: (804) 775-1000
Fax: (804) 775-1061
Email: briopelle@mcguirewoods.com

Eric Huang, *pro hac vice*
Alexander Rudis, *pro hac vice*
Quinn Emanuel Urquhart Oliver & Hedges
LLP
51 Madison Avenue 22nd Floor
New York, NY 10010
Tel: (212) 849-7246
Fax: (212) 849-7100
Email: erichuang@quinnemanuel.com
Email: alexanderrudis@quinnemanuel.com

Kevin Paul Bernard Johnson, *pro hac vice*
Quinn Emanuel Urquhart Oliver & Hedges
LLP
555 Twin Dolphin Drive
Suite 560
Redwood Shores, CA 94065
Tel: (650) 801-5015
Fax: (650) 801-5100
Email: kevinjohnson@quinnemanuel.com

*Attorneys for Sony Ericsson Mobile
Communications AB and Sony Ericsson
Mobile Communications (USA) Inc.*

BY HAND

Lawrence Alexis Dunn
Morris & Morris
700 East Main St Suite 1100
PO Box 30
Richmond, VA 23218-0030
Tel: (804) 344-8300
Fax: (804) 344-8359
Email: ldunn@morris-morris.com

Brian G. Arnold, *pro hac vice*
Kerri Ann Rich, *pro hac vice*
Joseph E. Thomas, *pro hac vice*
Thomas Whitelaw & Tyler
18101 Von Karman Ave Suite 230
Irvine, CA 92612
Tel: (949) 812-4744
Fax: (949) 679-6405
Email: barnold@twtlaw.com
Email: krich@twtlaw.com
Email: jthomas@twtlaw.com

*Attorneys for Mindspeed Technologies,
Inc.*

/s/ Henry I. Willett, III
Henry I. Willett, III (VSB #44655)
Email: hwillett@cblaw.com
CHRISTIAN & BARTON, LLP
909 East Main Street, Suite 1200
Richmond, VA 23219-3095
Tel: 804-697-4100
Fax: 804-697-4112
Counsel for Plaintiff